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ARE SUBURBS NECESSARY?

By Charles Alan Wright*

American cities are dying. They talk for hours and spend dollar after dollar trying to protect themselves against death at the hands of an atom bomb. But they pay no attention to a death much more likely and much closer to home. American cities don’t realize it, but they are being strangled to death. They are being strangled by the suburbs which hem them in on every side. They are being strangled by the selfish and shortsighted people who live in the suburbs, joyfully sharing every benefit the city offers, indignantly refusing to contribute to its support.

The city near which he lives occupies almost every waking moment of the suburbanite’s day. Not only does he work in the city. The commuter is also likely to drive to work over parkways built by the city, perhaps park his car in a city-owned garage. Or if he comes to work by train, he gets off at the station the city has helped develop and takes a trolley to his office on a line the city has bought and is running at a loss. The commuter and his family read the city newspaper, play in the city parks, and shop in the fine stores the city has attracted. They belong to city clubs, are educated by the city symphony orchestra and art museums, and cheer for the city’s baseball team.

There is no more pleasant way of life than that enjoyed by the people of University Park, Texas, and St. Louis Park, Minnesota, of Shorewood, Wisconsin, and Wynnewood, Pennsylvania. It is as nice and easy and inexpensive a way to live as is the life of a parasite. And like the parasite, the commuter is destroying the things that he feeds upon.

The Minneapolis Star put it this way, in January of this year:

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"Minneapolis people wouldn't be able to sleep if they did their full quota of worrying about the city's problems. Zoning's in a mess. Traffic gets more tangled. Aldermen veto the housing authority's plans for public housing. People rush for the suburbs, and so does industry. City and county governmental functions overlap and the costs go sky high. . . . Where there are problems there should be plans to overcome them. Yet the constant difficulty arises that the problems go beyond the city limits and city planning officials haven't wide enough jurisdiction to be entirely effective."

But do you suppose that the lucky people who live in Mendota or Robbinsdale—or in the suburbs of any other great city—are being kept awake nights by these unpleasant thoughts? Of course not! If they have trouble getting to sleep nights it's because they're too busy thinking how fortunate they are to have such a nice low tax rate, and not to have any aldermen to be bribed.

While suburbanites go on thinking rosy thoughts about getting something for nothing they are causing such great economic, social, and political damage to their cities that many cities are well on the way toward becoming ghost towns. When they do, the commuter will see his mistake. After all, the suburb cannot live a day longer than the nearby city on which it is dependent. But by that time it will be too late to save either city or suburb.

Why are there so many empty buildings along Boston's Commonwealth Avenue? Why does so much of the rest of the city have a deserted, dilapidated air? That's easy. Boston is more tightly hemmed in by its suburbs than any other great American city. Only 33.6% of the people that the Census Bureau says live in the Boston metropolitan area actually have their homes in Boston itself. The rest have moved out to such green and sunny places as Wellesley and Newton. And as they moved the city was forced to increase its taxes on those who stayed behind. The tax rate became so crushingly high that handsome neighborhoods were left vacant by people who couldn't afford to pay the taxes. Areas became rundown, and as the value of homes in these areas dropped, poorer classes of tenants moved in. Today Boston has almost no middle class. Only the very rich and the very poor can afford to live within the city limits.

Minnesota has been lucky. Our cities were laid out by men who planned boldly. They dreamed big dreams for the towns they founded, and they drew the boundaries accordingly. For a century our cities were able to grow without crowding their limits. But now
the honeymoon is over. In the last ten years the population of the
Twin Cities increased 6%. The population of the rest of the Minne-
apolis-St. Paul metropolitan area increased 74.5%.

Of the total population of the metropolitan area, 74.7% lives
within the limits of the two cities. This looks good compared to
Boston. But when you realize that for every three persons living
within the cities and paying taxes here there is one person in the
suburbs who's enjoying a free ride, it begins to look a good deal
worse. And when you notice that the cities are practically standing
still while the suburbs are growing up in leaps and bounds, it
looks positively bad. Between 1940 and 1950 the population of
St. Louis Park jumped from 7,737 to 22,600, that of Richfield
from 6,750 to 17,415. And so it goes. No longer can we in Minne-
sota sit back calmly and watch New York and Boston and San
Francisco being strangled. Now the noose is drawing tight at home.

What's Wrong with Suburbs?

It is not a good thing for the economy of a city to make the
people within the city limits pay for the benefits enjoyed by the
whole area. As taxes on city property grow higher, business and
industry are forced away to other areas. Jobs become harder to find.
Less jobs means less money to spend in the stores. Stores lose
money and go out of business. And as businesses close shop, the
taxes on the remaining properties must be raised again. So the
dreary circle goes, and yet the alternative of keeping taxes low
by not providing the necessary parkways or police protection is
unthinkable.

An obvious way to escape from such a dilemma is for the city
to try and assess a tax which the suburbanites will have to pay.
A city sales tax does this to some extent, and cities such as Los
Angeles, New York, San Francisco, and many others have been
helped greatly by that kind of tax. But a city sales tax is dangerous.
Its greatest effect is on the already overtaxed residents of the city.
And it speeds up the movement away from the city by stimulating
the growth of suburban shopping centers where customers can
avoid the tax. According to the Wall Street Journal there's scarce-
ly a suburb in the country where someone hasn't proposed a shop-
ning center to catch some of the lush local trade. And it quotes
the assistant director of the Urban Land Institute as saying:
"Probably not a major city in the country has escaped some down-
ward effect on the value of its real estate as a result of new shop-
Twelve years ago a new kind of tax to make commuters bear their share of city expenses was pioneered by Philadelphia, a city which is very rapidly being forced into economic and political bankruptcy by its suburbs. Philadelphia levied a tax on all wages earned within the city. The anguished howls of commuters and their Anti-Taxation Without Representation Leagues kept the courts busy for years, but it now seems firmly established that a city may tax the income earned within its limits by nonresidents. In the last three years other cities hemmed in by suburbs have been following the Philadelphia example. Downtown merchants in St. Louis have been quite concerned about the loss of business because of the movement to the suburbs. St. Louis tried to expand its boundaries to include the suburbs, but the suburbanites, with the help of a sympathetic legislature, prevented that. Now, after a four year fight, the city has managed to get a wage tax. Columbus, Ohio, Scranton, Pa., Louisville, Ky., and many other cities are solving some of their problems with a wage tax. But this kind of tax is political dynamite. Such a tax was voted down in San Francisco and Denver, among other cities. Minneapolis persuaded the legislature in 1947 to let it collect such a tax, but wasn't able to persuade the voters of the city to approve putting it in operation.

Even if a tax were devised which would solve all the financial problems caused by the movement outside the city limits, suburbs would still be a menace to cities. New York's Robert Moses, the foremost authority on city planning, blames the suburban movement for speeding up the central city decay which has caused slums and blighted areas. Walter J. Mattison, city attorney for Milwaukee, reports the same thing in his city. And the central planning which is necessary to solve effectively problems of a large metropolitan area is impossible where a great number of proud, independent little governments share responsibility for the area. Disease, fire, and crime are no respecters of boundaries, but the city officials charged with stamping them out are required to be.

The boundary between Boston and suburban Brookline runs through the middle of some houses. In case a burglary occurs, it becomes important to decide which door the criminal used to leave the house. If he left by a door on the Boston side of the house, the Boston police have jurisdiction over the crime, but if he left by a door on the other side of the line, only the Brookline police may investigate.
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St. Louis has recently put into effect a carefully planned and expensive anti-smoke campaign. St. Louis housewives still find soot on their wash, however, from smoke which has drifted across the river from suburban East St. Louis, which refused to join in the campaign.

Many suburbs are notoriously lax about law enforcement. Al Capone used suburban Cicero as his headquarters when he was terrorizing Chicago during Prohibition. "Chep" Morrison, the outstanding young mayor of New Orleans, has done a fine job of stopping gambling within the city, but it is only a fifteen minute drive from the center of town to the suburbs of Jefferson and St. Bernard where gambling is wide open. The same thing has happened in Denver and Toledo and many another city.

In the long run the most disastrous effect of suburbs may be that they remove from the city the people who could be most helpful in giving the city good government. As a newspaperman says about Philadelphia in Livingston Biddle Jr.'s recent novel, Main Line: "The trouble is, Johnny, very few people give a good goddam. The old families, the ones who helped build up this metropolis—where do most of them live now? Out on the Main Line, or in Chestnut Hill or some nice, cozy suburbs. Sure, the men work in the city, but they've lost touch with it, with what goes on inside. And by and large they don't care—that it's overrun with graft, that the streets are dirty, that the water tastes like last year's garbage—or even that the pigeons have cirrhosis of the liver, or whatever the hell the medical profession claims they spread around. ... I'm not against the Main Line when it comes to individuals. We still have civic-minded citizens who live outside the city limits, but the number's dwindling. Hell, this city ought to be an example—look at your history. Look at your history and then at the slums around Independence Hall. What's happened? Apathy—five star general apathy."

And how is government out in the suburbs? It's fine. National magazines devote pages to rhapsodies about the good government which the Main Line gets. And the same thing is true everywhere else. The people with civic spirit, with ability, with education, demand and get fine government for the little community in which they live. But they don't care about the government of the city they left behind. According to the Mayor of Newport, Minn., a suburb of St. Paul, "We're happy by the river and see no reason to assume St. Paul's troubles."
Henrico County, Va., enjoyed perhaps the best government of any county in the country because of the efforts of civic-minded citizens who lived in the suburbs of Richmond. These citizens paid no attention to the government of Richmond—which was awful—until their suburbs were annexed to the city. Then they got to work and applied the same tactics to Richmond that had been successful in Henrico County. The Minneapolis Tribune for December 31, 1950, listed an “All-American Team” of cities outstanding for their good government, selected by experts on the subject. Richmond was one of the eleven on the “team.”

The Cure for Suburbs

The experience of Richmond shows the easy and effective solution to the problem which suburbs present to cities. This solution is for the city boundaries to be stretched to include the suburbs.

Annexation of the suburbs by the central city is such a perfect solution of the suburban problem that only rather shameful politics and short-sighted greediness by the commuters prevent it from being used today by almost every great city. American cities have all reached their present greatness because of frequent annexations of land and consolidation with other towns. St. Louis would be a city of 5,000 people today if there had been no annexations since 1840. New York City includes Brooklyn, Staten Island, and Queens only because of a consolidation in 1898 which expanded its area more than 255 square miles. Los Angeles is now the world’s largest city, and it has used annexation over seventy-five times to grow from twenty-eight square miles in 1850 to 453 square miles in 1949.

Annexation of suburbs makes suburban property subject to city taxes. It gives commuters a vote in city elections, and an opportunity to help govern their city. It provides for a central solution of the problems common to the whole metropolitan area.

One benefit which has made some cities think of expanding their boundaries is the prestige that goes with bigness. When Pittsburgh was arguing about a plan which would have brought all of Allegheny County within its borders, much was made of that fact that Pittsburgh in that way would become the fourth largest city in the country in population. Houston has boastfully announced that annexation early in 1949 of 113 1/4 square miles of suburbs made it the largest city in area in the South.

Annexation is economical, and saves money for everyone in the area involved. The map of any metropolitan area is an incredible tangle of tiny districts, often overlapping, all with different govern-
ments and all costing the taxpayer money. As long ago as 1937 the National Resources Committee reported that in the Twin Cities Metropolitan Area responsibility for different phases of government was divided between the two cities, five counties, six smaller cities, twenty-seven villages, sixteen townships, and one-hundred-and-ten school districts. And the situation has gotten much worse in the fourteen years since. Just think of the overhead of all these little governments!

A study was made of the Detroit area some years ago to discover how much duplication of services existed among the ten cities, fifteen villages, eighteen townships, and 101 school districts of Wayne County. The study found thirty-three local police units, fifty-three engineering departments, thirty-two agencies administering relief, thirty-seven health units, 128 agencies assessing and collecting taxes, 144 agencies conducting elections, twenty-five fire departments, and many more similar examples of useless waste.

WHY THE CURE HASN'T CURED

In twelve states land can be annexed to a city only by a special act of the legislature changing the city boundaries. This is often difficult, since in every state in America a majority of the state legislature comes from the "upstate" rural areas which are usually suspicious of anything the city wants to do. Where such a bill can be passed, however, this is the best way to accomplish an annexation. Not only can the legislature add as much land to the city as it wishes, without a court able to interfere and say the annexation was not necessary, but when the legislature changes boundaries, it does not have to get the O.K. of the people about to be annexed.

The main stumbling block to many needed annexations is a law requiring that the people who live in the area to be annexed must consent. Thirty-two states have such laws, in one form or another, and the consent of the suburbanites involved is usually very difficult to get. In Minnesota we have some seventeen different laws covering annexation in different circumstances; most of these require the consent of the people involved, or, even harder to get, the consent of the county board which governs the area to be annexed.

The most modern and efficient system for annexation is in Virginia, one of the four states where it is not necessary to get the consent of the legislature or of the people involved. The Virginia system provides that when an annexation is proposed, a special court decides whether the change in boundaries is fair and reason-
able. The court hears evidence from both sides, just as in any law suit, and when it makes up its mind, it can give the city just what land it thinks desirable, regardless of what the city has asked for. Virginia has a very definite policy of "placing urban areas under city government and keeping rural areas under county government." The courts usually allow annexations which are necessary for the future growth of the city, or for fire or police protection, or in order to make the suburbanites pay for services they have been getting from the city. Virginia judges take a very realistic viewpoint, and see that in almost every case the suburbs are getting something for nothing from the city.

Courts in other states have not been as sympathetic to the cities as have Virginia courts. In 1947 a Nevada court refused to allow Reno to annex some farm land two miles from the city center. The court said that the land was not needed for the development of the city, and that it is the policy of Nevada to favor farming. The court failed to see that the best time for a city to expand its boundaries is before the land has become highly developed, not afterward.

By way of contrast to the Nevada court, the highest court in Missouri last year allowed Kansas City to take in twenty square miles located on the other side of the Missouri River in an entirely different county. This land, though only a few minutes from the heart of the city, was undeveloped; in the city, on the other hand, things were so crowded that people who wanted to live within the city couldn't find places to build. This imaginative planning, which will give the city room for residential and industrial development, was one of the reasons listed by the city government experts for including Kansas City on the Minneapolis Tribune's "All-American Team" of cities.

In Kentucky if the people to be annexed do not consent, the city has to prove that annexation is necessary to the city. A few years ago Lexington tried to annex its residential suburbs, and the people in the suburbs would not consent. The city claimed that annexation was necessary because the suburbs did not have proper police or fire protection, and said that Lexington would have to provide such services in case of emergency. The court amazingly ruled that the suburbanites were peaceful, law abiding people, and that the district had no particular fire hazards. Because of this, said the court, it isn't really necessary for Lexington to do much for them, and annexation was not allowed.
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Getting the approval of the people of the suburbs, as so many states require, is the biggest hurdle in annexing land. To the average suburbanite, annexation to the city would mean higher taxes. Perhaps more important, it would mean giving up the small local government with which he is well acquainted and becoming part of the big, impersonal, often dishonest city government. This argument was well stated two years ago by John C. Doerfer, now the able Chairman of the Wisconsin Public Service Commission, but then city attorney for West Allis, a suburb of Milwaukee: "Essentially, the suburbanite has a different political philosophy. He believes firmly that the roots of democracy lie in local government and that local government should not exceed that size beyond which he loses both his voice and his vote. It should not get so big as to become unwieldy."

This is quite a weighty argument. Of course no one wants government so big as to be unwieldy. But if the urban area continues to expand and grow, government can't help but grow with it. The problem is not: "How can I in my little neighborhood be best governed? By a large or small government?" Instead it is: "How can this huge urban area in which I live be best governed? By one government over the whole area or by hundreds of little independent, often over-lapping, governments?"

Up until 1947 one of the northern suburbs of St. Paul was merely Rose Township. In that year most of the township incorporated as the Village of Roseville. But a small area, mostly occupied by the State Fair Grounds and the University's Farm Campus, was not included in the new village. This area acted as a buffer between St. Paul and Roseville. The citizens of this area appointed a fact finding committee to find out what kind of government they could have. The committee reported back that there were four possible choices: the area in question could continue as a township; it could ask to be annexed to St. Paul; it could ask to be annexed to Roseville; or it could incorporate as a new village. Can you guess what the people decided to do? In 1949 they incorporated as not one but two villages! 3,843 of them formed the Village of Falcon Heights, while the new Village of Lauderdale boasted the grand total of 1,004 residents. According to the Mayor of Lauderdale, the people of that bustling community wanted to "get government back to the people." The Mayor of Falcon Heights says that there were two reasons why his constituents chose to incorporate themselves, rather than join ranks with St. Paul. They don't like St. Paul
taxes—though they are glad to drink St. Paul water and send their children to St. Paul high schools—and they like the green grass and the freedom from industry and apartment developments which gives their community a "suburban atmosphere." Apparently grass dies as the city limits move outward. Seemingly zoning restrictions have never been heard of in Falcon Heights.

Of course not all the blame can be put on the suburbs. Too often cities have failed to realize how important annexation is to their future development, and have passed up opportunities to annex suburban areas. St. Paul might have been able to annex Falcon Heights had it agreed to build a school in that area. But it didn't show enough interest in annexation to make such a promise, and Falcon Heights went its own way. The Mayor of Roseville also blames "indifference on St. Paul's part" as the reason Roseville incorporated on its own, rather than joining ranks with the city. "They paid no attention to us 10 years ago when we were willing to become part of St. Paul," he says. All this is true, and St. Paul, and cities like it, must shoulder much of the blame. But proper metropolitan government is too important for the whole area for it to be approached as if it were an alley fight, with saving of face and placing blame—the principal ends to be served. When the need is finally seen, the past should be forgotten and the problems of the future looked to instead.

Legislatures hostile to cities have put lots of hurdles in the way of annexation which are even higher than merely getting the consent of the people. Before San Francisco can ever annex any of neighboring San Mateo County, it must get not only the consent of the area to be annexed and of its own voters, but also of San Mateo County as a whole, and of each city in the area to be annexed. In the same way a well organized campaign in 1929 to consolidate Pittsburgh and Allegheny County was defeated because of a joker providing that the plan had to be approved by a two-thirds vote in a majority of the 122 municipalities in the county. Pittsburgh voted for the plan almost eight to one, and there was a majority for the plan throughout the county, but not enough of the tiny suburbs gave the necessary two-thirds vote. A far reaching plan to consolidate the entire urban area around Birmingham, Ala., was effectively squashed in 1949 despite a two to one vote in favor of the plan throughout the area involved. The legislature had required that a majority must be obtained in Birmingham and in each of the
suburbs involved for the plan to go through, and five small suburban cities voted against the plan.

**Is There Hope?**

Sometimes it is possible to bring pressure on the suburbs and make them consent to annexation. In California where water is scarce and only big cities can afford to build expensive aqueducts to get water, cities have had great success with a policy of "no annexation, no water." Another good way to have an annexation approved despite suburban opposition is to provide that the city and suburb shall have their votes counted together in approving the plan. The greater number of votes from the city prevents the suburban vote from upsetting the result. It was in this way that Stanford, Conn., was consolidated with its suburbs in 1947. The suburbs voted twelve to one against the plan, but there were twice as many city voters as suburban voters, and when the ballots were totalled together the plan was approved.

Some people who have been discouraged because annexation of suburbs is so hard to get have suggested instead what they call a "metropolitan service district." This would be a new kind of super-government which would furnish to the city and suburbs alike the services that every community in an urban area needs—highways, parks, health inspection, and the rest. Such an organization also would be able to make long-range plans for the whole metropolitan area. Now there can be no question that this would be an improvement over the present state of affairs in most areas. But there can also be no question that it would not be nearly as good as annexing the suburbs to the city. Instead of eliminating all the little governments with their expensive overhead, it would add another. More important, the metropolitan service district would not cure the apathy which suburbanites have toward the need for good government of the city. And finally, where such districts have been tried, their functions have been sharply limited and they have been hampered by the jealousy of the courthouse gangs in suburbs and city. Those who urge these districts say that they are a step toward the full political integration which annexation would mean. Actually they are a step away from annexation, for they alleviate enough of the symptoms of the problems caused by suburbs that it becomes harder to persuade people of the need for a thoroughgoing cure of the causes of these problems.
Annexation is frequently used today, despite all the obstacles. Last year Annapolis, Md., managed to persuade the people of ten neighboring communities to agree to annexation. Annapolis thus increased its population and its assessed valuation by 60%, and its area by 650%. Memphis, Tenn., last year annexed an area containing 25,000 people. Oklahoma City, Okla., El Paso, Tex., Albuquerque, N. M., Wilmington, N. C., Dayton, Ohio, and many another city has insured its future by recent annexations.

Responsible opinion in almost every part of the country where cities are being strangled favors expanding the city limits. The Minneapolis Star has urged expanding Minneapolis to take in all of Hennepin County. The Salt Lake City Telegram is backing a similar merger of Salt Lake City and Salt Lake County. The St. Paul Pioneer Press has been consistently aware of the problems which suburbs pose to its city. The Houston Post, the Macon Telegraph, and many others have been trying to sell their readers on consolidation and annexation.

Despite this pressure the annexation movement is discouragingly slow. It has made converts, such as the Governor of North Dakota, who vetoed early in 1949 a bill intended to make annexation difficult. And the Indiana legislature in 1949 gave the courts power to decree annexation even without the consent of the people to be annexed if the court finds that "the prosperity of such city and territory will be materially retarded and the safety of the inhabitants and property thereof endangered without such annexation." But it has also made enemies, such as the shortsighted community newspapers in suburban Philadelphia. They were able to hail a victory when the last session of the Pennsylvania legislature passed a bill which makes any further annexation by Philadelphia, for all practical purposes, impossible.

Certainly annexation at first would mean higher taxes for the Philadelphia suburbs and for those of many another city, as they started paying for services which they had been sponging from the city previously. But usually this added cost is eventually balanced by the savings which result when useless, expensive little governments are eliminated. In 1946 Toledo, O., passed a 1% wage tax, to be paid by city dwellers and commuters alike. With its increased income, Toledo has been able to increase its services to its people, and at the same time decrease its real estate taxes. Now that they're starting to bear the cost of some of the services they'd enjoyed free
for so long, suburbanites discover that they're actually paying more taxes than their city neighbors, and are getting less for their money. And in the first three years after the Toledo wage tax became law, eight different suburban sections petitioned to be annexed to the city. Toledo is one of the Tribune's "All American Cities."

Besides, not all of the savings in suburban living come from taking a free ride at the expense of the city. In many suburbs, particularly those whose growth has been large in very recent years, low taxes are at the expense of doing without services which city dwellers take for granted. The voters of Richfield, a suburb of Minneapolis, decided this January that they don't want storm or water sewers when they saw how much sewers would cost. And Richfield—like the rest of the Twin Cities' suburbs—is contenting itself with inferior public schools. Teachers' salaries in Richfield range in theory from $2000 to $4100, but the average is $2800 and only a few get as much as $3200. Minneapolis teachers get from $2600 to $5000, with an average salary of $4415. Only 27 of Richfield's 92 teachers have a college degree. Minneapolis hires only those with at least a bachelor's degree, and many of its teachers have master's degrees. The suburbanite might do well to think less about how much he gets for nothing from the city, and think more about how little he gets for what he pays his suburban government.

The other argument of the commuter—that city governments are corrupt—is meaningless. They are able to be corrupt only because so many good people have moved to the suburbs and abdicated their civic responsibility.

In the long run the suburbanite will suffer. As the city is squeezed to death by its suburbs, the prosperity of those suburbs will drop in proportion. The commuter will realize that he has been the dupe of clever local politicians who play on his selfish instincts in order to save their own jobs.

The noose grows tight around American cities. But something can still be done to save them. Annexation is the weapon that can break free their bonds. It is up to the suburbs to be farsighted and realize that unless city and suburbs hang together they will most assuredly all hang separately.

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**A Note On Odds And Ends**

This article was written in hopes that it might be persuasive. It was not written to collect cases which would be useful some day to a
lawyer with an annexation case. Thus, for the reasons well stated by Fred Rodell in Goodbye to Law Reviews, 23 Va. L. Rev. 38 (1936), it has seemed to me unnecessary to clutter the article with footnotes. But this note is added to make acknowledgments, give a hint for further reading to those who may be interested in this problem, and to cite a case or two as a salve to the consciences of the Editors of this Review.

The facts and figures in the article about the need for annexation in Minnesota, as well as many of the sound ideas, are the product of the labors of my diligent assistant, Ronan E. Degnan, a fourth year student at the Law School and a member of the Board of Editors of this Review. The quotation at p. 345 from p. 205 of Livingston Biddle Jr.'s Main Line, published 1950 by Julian Messner Inc., is used with the permission of the author.

The definitive work in this field for those who may wish to pursue the matter further is Victor Jones' Metropolitan Government, published in 1941. There is also much useful information in the various issues of National Municipal Review, and in the annual volumes, Municipalities & The Law In Action. The pros and cons of annexation in the St. Paul area are examined by Roy Dunlap in two articles, Are Suburbs Strangling Twin Cities?, and Suburbs Lash Back at 'Free Ride' Charge, Claim They Aid City, appearing at p. 1 of section 2 of the St. Paul Pioneer Press for March 4th and March 11th, 1951.

There is an excellent discussion of the Virginia system for annexation—now under fresh attack from the selfish suburban interests—in a student Note, 36 Va. L. Rev. 971 (1950). I believe that such a system would be constitutional in Minnesota if it were so drafted as to provide definite fact standards to guide the court in granting or refusing annexation. See Hunter v. City of Tracy, 104 Minn. 378, 116 N.W. 922 (1908). If the statute were as general as in Virginia, and left the decision entirely in the court's discretion, it would not be valid here. See Brenke v. Borough of Belle Plaine, 105 Minn. 84, 117 N.W. 157 (1908). For a collection of cases, see 69 A.L.R. 266, 274.

In Texas and Missouri it has been held that a home rule charter gives a city council implicit power to expand its boundaries without the consent of the annexees. Cohen v. City of Houston, 205 S.W. 757 (Tex. Civ. App. 1918); State ex inf. Taylor ex rel Kansas City v. North Kansas City, 228 S.W. 2d 762 (Mo. 1950). I am not ad-
vised whether home rule charters in Minnesota are susceptible of such a construction; my instinct is to doubt it.

But in any event it is clear that the legislature retains the power to provide for expansion of city boundaries without the requirements of consent and the rest now in the law, if indeed the legislature may not still itself change the boundaries of a city directly. See City of Winona v. School District No. 82, Winona County, 40 Minn. 13, 41 N.W. 539 (1889); Anno., 64 A.L.R. 1335.